

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SUSAN MAYNARD,

Plaintiff,

-against-

MONTEFIORE MEDICAL CENTER, et
al.,

Defendants.

No. 18-CV-8877 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

On January 25, 2021, Plaintiff's Counsel informed the Court that Plaintiff had "filed a petition for bankruptcy under Chapter 13 in the Bankruptcy Court for the Southern District of New York." (Dkt. no. 70 at 1.) As a result, the Court requested the parties' views on whether Plaintiff's bankruptcy filing automatically stayed these proceedings. (See dkt. no. 71.) Both Plaintiff and Defendants assert that the bankruptcy proceedings do not stay this action. (See dkt. nos. 72 & 73.)

The Court agrees. The Bankruptcy Code provides that a petition operates as an automatic stay regarding:

the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title.

11 U.S.C. § 362(a)(1) (emphasis added). By its plain text, however, that provision "does not address actions," like this

one, "brought by the debtor." Hudson Bay Master Fund Ltd. v. Patriot Nat'l, Inc., 309 F. Supp. 3d 100, 108 n.2 (S.D.N.Y. 2018). Because Plaintiff has made clear that she does not otherwise seek a stay, (see dkt. no. 72), the Court concludes that Plaintiff's bankruptcy filing does not stay this case.

SO ORDERED.

Dated: February 3, 2021
New York, New York



LORETTA A. PRESKA
Senior United States District Judge